

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
TRUSTEES OF THE NEW YORK CITY DISTRICT
COUNCIL OF CARPENTERS PENSION FUND,
WELFARE FUND, ANNUITY FUND,
APPRENTICESHIP, JOURNEYMAN RETRAINING,
EDUCATIONAL AND INDUSTRY FUND, TRUSTEES
OF THE NEW YORK CITY CARPENTERS RELIEF
AND CHARITY FUND, and THE CARPENTER
CONTRACTOR ALLIANCE OF METROPOLITAN
NEW YORK,

Plaintiffs,

-against-

PRIME CONTRACTORS INC.,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY
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DATE FILED: 12/9/2024

23 Civ. 9033 (AT) (RFT)

**ORDER ADOPTING
REPORT AND
RECOMMENDATION**

Plaintiffs filed this action against Defendants Prime Contractors Inc. (“Prime”), UTB – United Technology, Inc. (“UTB”), and QBE Insurance Corporation (“QBE”), asserting, *inter alia*, claims under the Employee Retirement Income Security Act, 29 U.S.C. § 1001 *et seq.* See generally ECF No. 1. On February 9, 2024, Plaintiffs moved for a default judgment against Prime.¹ See ECF Nos. 18–22. The Court referred Plaintiffs’ motion to the Honorable Robyn F. Tarnofsky. ECF No. 50.

After careful consideration, Judge Tarnofsky issued a Report and Recommendation (the “R&R”), recommending that the Court enter a default judgment against Prime and award Plaintiffs \$16,807.25 in liquidated damages, plus post-judgment interest under 28 U.S.C. § 1961. R&R at 2, ECF No. 56. Despite receiving notification of the right to object to the R&R, no parties filed objections, and the time to do so has now passed. See R&R at 18; Fed. R. Civ. P. 72(b)(2). Because no objection was made, the Court reviews the R&R for clear error. See *Santiago v. Colvin*, No. 12 Civ. 7052, 2014 WL 1092967, at *1 (S.D.N.Y. Mar. 17, 2014). The Court finds no clear error in Judge Tarnofsky’s thorough and well-reasoned R&R.

Accordingly, the Court ADOPTS Judge Tarnofsky’s R&R in its entirety. Plaintiffs’ motion for a default judgment against Prime is GRANTED. Prime must pay Plaintiffs \$16,807.25 in liquidated damages, plus post-judgment interest pursuant to 28 U.S.C. § 1961.

¹ Plaintiffs voluntarily dismissed their claims against UTB and QBE. ECF No. 45.

SO ORDERED.

Dated: December 9, 2024
New York, New York



ANALISA TORRES
United States District Judge